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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,236	12/22/2006	Morio Suchiro	129246	7346
25944	7590	02/03/2011		
OLIFF & BERRIDGE, PLC				
P.O. BOX 320850				
ALEXANDRIA, VA 22320-4850				
EXAMINER				
MAESTRI, PATRICK J				
ART UNIT		PAPER NUMBER		
3633				
NOTIFICATION DATE		DELIVERY MODE		
02/03/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary****Application No.**

10/593,236

**Applicant(s)**

SUEHIRO ET AL.

**Examiner**

PATRICK MAESTRI

**Art Unit**

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1-6, 14, 15, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to the Amendment dated January 10, 2011. Currently, claims 1-6, 14-20 are pending in the application.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 10, 2011 has been entered.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 14 recites the limitation "the concrete frame" in lines 14 and 11 respectively. There is insufficient antecedent basis for this limitation in the claim. The concrete frame is not positively recited in the beginning of the claims. It is suggested that the frame be positively claimed or the language changed to read "the connecting part is configured to be embedded in the concrete frame". The examiner would also like

to point out that by claiming the connecting part embedded in the concrete frame, the combination of the anchor bolt and the frame is claimed. Thus, the preamble of the claim should be changed to indicate the combination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reintjes (US Patent No 2,879,660).**

Referring to claim 1: Reintjes teaches a first anchor bolt configured to be installed projecting outside of a concrete frame (figure 17) a second anchor bolt that is eccentrically positioned to the axis of the first anchor bolt (figure 17, item 8); and a connecting part that connects the first anchor bolt and the second anchor bolt, the first anchor bolt and the second anchor bolt being attached to the connecting part (figure 17), the connecting part extends radially from the first anchor bolt to and past the second anchor bolt (figure 17), the second anchor bolt being located in a radial center of the connecting part, thereby reducing the bending moment that is exerted locally on the connecting part when a load is applied on the first anchor bolt (figure 17). Reintjes does

not specifically teach at least the second anchor bolt and the connecting part are integrally molded, and the connecting part is embedded in the concrete frame such that a planar side of the connecting part from which the first anchor bolt extends flush with a surface of the concrete frame and accessible to an equipment base. However, it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177USPQ 326, 328 (CCPA 1973). Reintjes teaches the bolts and connector are integral in the final assembly state since the bolts are threaded into the connector. Additionally, the method of forming the device (molded) is not germane to the issue of patentability of the device itself. Therefore, this limitation has been given little patentable weight. The final product of a second anchor bolt and a connecting part is still achieved with either a singular molded part, a threaded connection or a welded connection.

It would have been obvious to someone with ordinary skill in the art at the time of the invention to create the part as taught by Reintjes with the characteristic of having a surface flush with the exterior of the concrete frame in order to determine the placement of the connecting part when the concrete has been poured. It eliminates the need for a locating plug. Further, based on the figure it appears that the connecting part is at least substantially flush with the surface of the concrete.

Referring to claim 2: Reintjes teaches all the limitations of claim 1 as noted above. Additionally, Reintjes teaches a connecting part having a polygonal or circular shape (figure 7, item 10).

Referring to claim 3: Reintjes teaches all the limitations of claim 1 as noted above.

Additionally, Reintjes teaches the connecting part is formed to have top and bottom surfaces of a polygonal or circular shape (figure 17). Reintjes does not specifically teach the second anchor bolt is positioned at the center of the connecting part.

However, Reintjes teaches the second anchor bolt is positioned relatively close to the center of the connecting part. It would have been obvious to someone with ordinary skill in the art at the time of the invention to place the second anchor bolt of Reintjes in the radial center in order to allow for easy manufacturing. Placing the bolt in the center is an easy measurement to determine.

Referring to claims 5, 6, 19, and 20: Reintjes teaches all the limitations of claims 1 and 14 as noted. Reintjes does not specifically teach diameters of the anchor bolt being equal or different. However, it would have been obvious to someone with ordinary skill in the art at the time of the invention to choose specific diameters based on load requirements. It is common practice to design an anchor to meet its holding requirements.

Referring to claim 14: Reintjes teaches a first anchor bolt installed projecting outside of a concrete frame (figure 17); a second anchor bolt that is eccentrically positioned to the axis of the first anchor bolt (item 8); and a connecting part for connecting the first anchor bolt and the second anchor bolt, the first anchor bolt and the second anchor bolt being

attached to the connecting part (figure 17), wherein the connecting part and second anchor bolt are formed together in a T-shape configuration, and the first anchor bolt is placed at an edge of the connecting part (figure 17). The T-shape of Reintjes is lopsided, however it is still a T-shape. Reintjes does not specifically teach at least the second anchor bolt and the connecting part are integrally molded, and the connecting part is embedded in the concrete frame such that a planar side of the connecting part from which the first anchor bolt extends flush with a surface of the concrete frame and accessible to an equipment base. However, it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177USPQ 326, 328 (CCPA 1973). Reintjes teaches the bolts and connector are integral in the final assembly state since the bolts are threaded into the connector. Additionally, the method of forming the device (molded) is not germane to the issue of patentability of the device itself. Therefore, this limitation has been given little patentable weight. The final product of a second anchor bolt and a connecting part is still achieved with either a singular molded part, a threaded connection or a welded connection.

It would have been obvious to someone with ordinary skill in the art at the time of the invention to create the part as taught by Reintjes with the characteristic of having a surface flush with the exterior of the concrete frame in order to determine the placement of the connecting part when the concrete has been poured. It eliminates the need for a locating plug.

Referring to claim 15: Reintjes teaches all the limitations of claim 14 as noted above.

Additionally, Reintjes teaches the first anchor bolt is removably attached to the connecting part (threaded connection and is therefore removably attached).

**5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reintjes in view of Kubler et al. (US Patent No 6,604,899) ("Kubler").**

Referring to claim 4: Reintjes teaches all the limitations of claim 1 as noted above.

Reintjes does not teach the connecting part has an injection hole for an adhesive and an air hole. However, Kubler teaches an adhesive and air hole in an anchor bolt (figure 1).

It would have been obvious to someone with ordinary skill in the art at the time of the invention to combine the anchor bolt as taught by Reintjes with the air and adhesive holes as taught by Kubler in order to add adhesive to the connection and completely seal out any moisture that could penetrate the connection and cause a crack in the concrete.

***Allowable Subject Matter***

6. Claim 16-18 are allowed.



***Response to Arguments***

7. Applicant's arguments filed January 10, 2011 have been fully considered but they are not persuasive.

In regards to claims 1 and 14: As noted above, the term integrally molded has been held to be an intermediate step limitation. The final product is an anchor bolt connected to a connector as a solid unit. How the product is constructed maintains little patentable weight in a structural claim.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK MAESTRI whose telephone number is (571)270-7859. The examiner can normally be reached on 9am-4pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633

/P. M./  
Examiner, Art Unit 3633